

REMARKS

Claim Amendments and Rejection Under 35 USC § 103

Support for the amendments to claim 1, can be found, e.g., for feature a) in original claim 3; for feature b) in the disclosure on p. 10, l. 2 and p. 7, l. 6 – 7; for features d), e), and f) of the current claim in original claims 2, 5, and 6; for former feature e) which has been renamed as feature g), for the added criterion in original claim 8 and for the preparation of a proposal for allergens to be tested in the disclosure on p. 11, l. 6 and p. 6, l. 28 – 30; and for new feature m) in the disclosure on p. 14, l. 22 - 25.

Support for the amendments to claim 11, can be found, e.g., for feature a) in the disclosure on p. 5, l. 9 – 10; for feature b) in the disclosure on p. 10, l. 2 and p. 7, l. 6 – 7; for feature f) for the proposals for allergens to be tested in the disclosure on p. 11, l. 6 and p. 6, l. 28 – 30, and for the further amendments to feature f) in former claims 19 and 20; for feature h) in the disclosure on p. 11, l. 6 and p. 6, l. 28 – 30; and for feature e) in the disclosure on p. 4, l. 22 - 25.

Various formality changes have also been made to the claims.

The Office Action rejects the claims as allegedly non-obviousness over US patent No. 5,935,060 by Iliff, hereinafter Iliff '060, and US PGPub No. 2005/0108051 by Weinstein, hereinafter Weinstein.

Applicants respectfully disagree with the Office Action's allegations relating to Weinstein being analogous art. Applicants' respectfully submit that Weinstein does neither deal with providing a diagnosis nor providing a treatment or even a test proposal in order to narrow down the diagnosis. Rather, Weinstein provides a method of promoting patient adherence to treatment regimen. See, e.g., the abstract. Thereby, it is clear that a diagnosis already exists and that a therapy is ongoing. The issues addressed by Iliff '060 are completely different than the issues addressed by Weinstein, and as such, one of ordinary skill in the art would not have combined the teachings thereof, and even if so, would have not achieved the presently claimed invention. Nothing in either reference provides a reason to a skilled artisan to incorporate allergen information into a method or system for recording and analyzing syndromes and their causes and for establishing appropriate therapy proposals. Weinstein merely teaches a method for promoting and improving patient adherence to an already determined and existing treatment regimen for a chronic disease.

The focus of the patent by Weinstein is entirely different than of both Iliff '060 and

also the claims of the present application, and as such, Weinstein does not form related art in comparison to either Iliff '060 and the presently claimed invention. Further, Weinstein is dealing with an entirely different problem and a person skilled in the art would thus not have taken this document into account.

Nevertheless, to expedite allowance of the application, further distinguishing amendments to the independent claims have been made, without prejudice or disclaimer.

For example, Iliff '060 is silent regarding feature b) of amended claim 1, regarding a database including a listing of allergens, whereby the latest state of scientific knowledge in allergology is taken into account. Thereby, according to the present invention, the set of data may be adapted to the continuously changing relevance of the allergens, e.g. through climate changes.

Even though Iliff '060 is dealing with a computerized medical diagnostic and treatment advise system, wherein predetermined questions are asked and wherein responses and collected symptoms are scored and compared to a score threshold for determining different diseases, Iliff '060 does not disclose preparing test proposals based on the analysis of the recorded answers according to feature k) of claim 1.

Also, preparing a proposal for allergens to be tested according to feature g) of claim 1 is not mentioned in Iliff '060.

A further aspect that is not disclosed by Iliff '060 concerns the set of anamnesis questions and answers to the anamnesis questions that are compared with similar data which are stored in anonymized form according to feature m) of claim 1. Thereby, through comparison of a current case of illness with the detail datasets of the anonymized database, information may be compiled regarding diagnosis, therapies, and therapy success in similar cases.

Additionally, it is courteously pointed out that Weinstein does not disclose an allergen database but rather a database concerning factors that may exacerbate a chronic disease (see paragraphs [0060] to [0065]). Further, figure 5a and paragraph [0091] only disclose factors (allergens) that might influence asthma, whereby in fact no allergy needs to exist at all. The interrogation surveys that are based on these factors are not revised and extended by taking into account the scientific knowledge in allergology.

Therefore, for a person skilled in the art starting from Iliff '060 in the light of Weinstein it would not be obvious to modify the database of feature b) in claim 1 by including a listing of allergens, whereby the data is continuously revised and extended, taking

into account the latest state of scientific knowledge in allergology. The same arguments apply to feature b) in claim 11.

Weinstein does also not disclose that it is possible to determine, if an allergy exists or not. This might be due to the fact that the existence of an allergy is not easily determined by a question - answer - session, owing to the fact that allergies do influence each other. Therefore, the present invention envisions creating a set of possible diagnoses and preparing proposals to further narrow the diagnosis proposals and therapy proposals, according to feature k) in claim 1. This feature is not disclosed by Weinstein. This also applies to feature h) of claim 11.

Moreover, neither Iliff '060 nor Weinstein provide the preparation of test proposals for narrowing the diagnosis proposals. Therefore, the present invention is new and non-obvious in light of the aforementioned state of the art.

Claim 1 of the present invention provides preparing a proposal for the allergens to be tested (feature g). This is also contained in claim 11 as features f) and h). Again, Weinstein is silent with regard to such a proposal.

Since this is a claimed feature of the present invention, the claims of the present application are clearly non-obvious with regard to the patents by Iliff '060 and Weinstein.

Amended claim 1 of the present invention now includes a further feature m), which is also not obvious from the disclosures of the cited references, relating to selecting comparable anamneses from data recorded in anonymized form based on the answers to the anamnesis questions according to feature d). This feature is relevant for a doctor as a decision-forming basis for his tests, diagnosis, and therapy.

For all the foregoing reasons, reconsideration is respectfully and courteously requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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